

01/12/98



226/242
Patent

COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **METHODS OF USE OF ONE STEP IMMUNOCHROMATOGRAPHIC DEVICE FOR STREPTOCOCCUS A ANTIGEN** the specification of which

is attached hereto.

XX was filed on 07/25/97 as Application Serial No. 08/900,559 and was amended on _____.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s):

(Number)	(Country)	(Day/Month/Year Filed)	Yes	No
(Number)	(Country)	(Day/Month/Year Filed)	Yes	No
(Number)	(Country)	(Day/Month/Year Filed)	Yes	No

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: Richard J. Warburg, Esq., Registration No. 32,327

Kindly recognize as associate attorney: Vicki G. Norton, Reg. No. P-40,745 and the following:

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issuing thereon.

100 Full name of sole or first inventor Shu-Ching Cheng

Inventor's signature S. - ching Cheng Date: 7/25/97

Residence 6150 Lago Lindo, Rancho Santa Fe, CA 92067 CA Citizenship United States

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200 Full name of second inventor Ching Huang

Inventor's signature Ching Huang Date: 7/25/97

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300 Full name of third inventor Ming-Shian Wu

Inventor's signature Ming Shian Wu Date: 7/25/97

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400 Full name of fourth inventor Michael J. Willrodt

Inventor's signature Michael J. Willrodt Date: 7/25/97

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500 Full name of fifth inventor Herbert Bradfield Cunningham

Inventor's signature Herbert Bradfield Cunningham Date: 7/25/97

Residence 6535 Engineers Road, Julian, CA 92036 CA Citizenship United States

Post Office Address Same as above.

600 Full name of sixth inventor Eugene Fan

Inventor's signature Eugene Fan Date: 7/25/97

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Applicant or Patentee: Fan, et al.
Serial or Patent No.: 08/900,559
Filed or Issued: 07/25/97

For:

**METHODS OF USE OF ONE STEP
IMMUNOCHROMATOGRAPHIC DEVICE FOR
STREPTOCOCCUS A ANTIGEN**

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(d) and 1.27(c)) - SMALL BUSINESS CONCERN**

I hereby declare that I am:

 the owner of the small business concern identified below:
XX an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN: WYNTEK DIAGNOSTICS, INC.

ADDRESS OF CONCERN: 6146 Nancy Ridge Drive, Suite 101, San Diego, CA 92121

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d) for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third-party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the above-entitled invention, by inventor(s) Shu-Ching Cheng, Ming-Shian Wu, Herbert Bradfield Cunningham, Ching Huang, Eugene Fan and Michael Willrodt described in

 the specification filed herewith
XX application serial number 08/900,559, filed 07/25/97
 Patent No. , issued

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

**NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)*

NAME: N/A

ADDRESS:

INDIVIDUAL SMALL BUSINESS CONCERN NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: Eugene Fan

TITLE OF PERSON OTHER THAN OWNER: President

ADDRESS OF PERSON SIGNING: 6146 Nancy Ridge Drive, Suite 101, San Diego, CA 92121

Signature



Date:

